



MAILING OR FACSIMILE CERTIFICATION

I, undersigned hereby certifies that this correspondence is being deposited either with the United States Postal Service with adequate first class postage attached and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on November 4, 2006.

*[Signature]*  
Laurence R. Letson

Date: Nov. 4, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: Russel Dennis

DATE: 11/4/2006

SERIAL NUMBER.: 10/763,630

ART GROUP: 3679

FILING DATE: 1/24/04

EXAMINER: M.P. Ferguson

TITLE: TENSIONING DEVICE FOR POLYMER FENCING

PETITION TO REVIVE AN ABANDONED APPLICATION  
UNDER PATENT RULE 37 CFR 1.137(a)

OR

ALTERNATIVELY, A PETITION TO REVIVE AN ABANDONED APPLICATION  
UNDER PATENT RULE 37 CFR 1.137(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant petitions and requests that the above identified application be revived and the attached amendment be entered.

The above application was rejected by the Examiner on April 4, 2006 and was abandoned by non-response on July 5, 2006. No extensions of time for response to said response deadline were made to the USPTO.

11/14/2006 SLJMS1 00000028 121120 10763630

01 FC:2452 250.00 DA

12/15/2006 CKHLOK 00000012 121120 10763630

01 FC:2453 750.00 DA

Applicant's Attorney received a telephone call from the Examiner, Michael P. Ferguson, inquiring if any response had been filed in the recent past. He was told that Applicant's Attorney did not think that any had been filed but would have to check.

Applicant's Attorney spent considerable time thereafter searching, first the file of the patent application in question, and thereafter the files of other patent applications and patents.

The search finally resulted in a copy the Office Office Action being located in another file folder.

Applicant's Attorney discovered that no entries had been made on any file folder indicating that it contained an Official Office Action that had been received and needed to be responded to.

Normally, when mail is received from the USPTO, the correspondence is logged into the master docket and the correspondence is associated with the proper file folder and the correspondence is noted on the file folder with a due date for the response.

Applicant's Attorney entered the hospital in Beaufort, South Carolina on March 28, 2006 for hip replacement surgery. During the ensuing rehabilitation and recovery Applicant's Attorney developed a major infection in the hip. This infection precipitated two additional hip surgeries and a lengthy hospitalization to treat the infection.

During this period of recovery, mail was forwarded to Applicant's Attorney's temporary address on Fripp Island, South Carolina, from Applicant's Attorney's Lexington, KY address.

Upon arrival of the mail from Lexington, Ky, the mail was processed by my wife in an effort to be of assistance, and the Official Office Action was misplaced in the wrong file folder.

Due to the infections, surgeries and the extended recoveries and rehabilitations, Applicant's Attorney was unaware that an Office Action had arrived and the period for response was running. Checking the file folder of the above identified patent application would not have revealed the

presence of the Office Action.

Accordingly, Applicant's Attorney requests that this petition be considered and granted as a Petition under Patent Rule 37 CFR § 1.137(a).

Should the petition be denied under Patent Rule 37 CFR 1.137(a) for any reason, I request the petition be alternatively considered and granted under Patent Rule 37 CFR § 1.137(b).

An authorization to charge the deposit account 12-1120 is attached authorizing the deduction of \$250.00 for the cost of the petition fee under 37 CFR § 1.17(l).

In the event that this petition is denied and the petition considered under 37 CFR § 1.137 (a) and this petition is considered under 37 CFR § 1.137 (b), the request that any shortage of fees be considered to be the required fee for the petition under 37 CFR 1.17 (m) is to be authorized at that time.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Laurence R. Letson', with a long horizontal flourish extending to the right.

Laurence R. Letson

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